



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

10/814,359

03/31/2004

Mark Pyle

NOR16018RR

7760

33000

7590

10/01/2007

DOCKET CLERK

P.O. DRAWER 800889

DALLAS, TX 75380

EXAMINER

WENDELL, ANDREW

ART UNIT

PAPER NUMBER

2618

MAIL DATE

DELIVERY MODE

10/01/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/814,359

Applicant(s)

PYLE ET AL.

Examiner

Andrew Wendell

Art Unit

2618

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 August 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 21-40 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 21-40 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 21-22, 27, 35, and 40 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hartsell et al. (US Pat Appl# 2002/0065864) in view of Alpervich (US Pat# 6,175,741).

Regarding claim 21, Hartsell et al. method for resource tracking in information management environments teaches receiving a signal in response to a mobile station accessing the telecommunications network (Section 0293) (the station receives the class of service or quality of service code from the communicating device); communicating priority services capability information, the priority services capability information defining priority services (The class of service or quality of service have different services i.e. bandwidth usage, speed, priority, etc. based on the customers profile that is sent from the device) supported by a mobile switching center; and the priority services subscription information identifying priority services available to the MS (Sections 0011 and 0295-0299) (The class of service or quality of service have different services i.e. bandwidth usage, speed, priority, etc. based on the customers profile that is sent from the device). Hartsell et al. fails to clearly teach a location register and priority services supported by a mobile switching center.

Alperovich's method for enhancing business card services within a cellular network teaches receiving a signal in response to a mobile station accessing the telecommunications network (supplementary service, Col. 6 lines 37-47 or Col. 8 lines 16-21); communicating MS identifying information to a location register 16 and 26 (Fig. 1 and Col. 1 line 24-Col. 2 line 11); communicating priority services capability information to the location register 16 or 26 (Fig. 1 and Col. 1 line 24-Col. 2 line 11), the priority services capability information (i.e. call forwarding, positioning, and multiparty calling, etc. Col. 2 lines 40-45) defining priority services supported by a mobile switching center 10 and 14 (Fig. 1); and receiving priority services (i.e. call forwarding, positioning, and multiparty calling, etc. Col. 2 lines 40-45) subscription information from the location register (Col. 1 line 24-Col. 2 line 11).

Therefore, it would have been obvious at the time of the invention to one of ordinary skill in the art at the time the invention was made to incorporate a location register and priority services supported by a mobile switching center as taught by Alperovich into Hartsell et al. method in order to provide additional features to mobile subscribers (Col. 2 lines 46-48).

Regarding claim 22, the combination including Alperovich teaches wherein the priority services capability information is communicated as a supplementary code (supplementary service, Col. 6 lines 37-47 or Col. 8 lines 16-21).

Regarding claim 27, the combination including Hartsell et al. teaches wherein at least one of the priority services is a hybrid service (Section 0237).

Regarding claim 35, Hartsell et al. method for resource tracking in information management environments teaches receiving a signal in response to a mobile station accessing the telecommunications network (Section 0293) (the station receives the class of service or quality of service code from the communicating device); communicating priority services capability information, the priority services capability information defining priority services (The class of service or quality of service have different services i.e. bandwidth usage, speed, priority, etc. based on the customers profile that is sent from the device) supported by a mobile switching center; and the priority services subscription information identifying priority services available to the MS (Sections 0011 and 0295-0299) (The class of service or quality of service have different services i.e. bandwidth usage, speed, priority, etc. based on the customers profile that is sent from the device). Hartsell et al. fails to clearly teach a location register and priority services supported by a mobile switching center.

Alperovich's method for enhancing business card services within a cellular network teaches memory (HLR/VLR, Col. 1 line 24-Col. 2 line 11); and a processor coupled to the memory, the processor operable for causing the MSC to receive a signal in response to a mobile station accessing the telecommunications network (supplementary service, Col. 6 lines 37-47 or Col. 8 lines 16-21); communicating MS identifying information to a location register 16 and 26 (Fig. 1 and Col. 1 line 24-Col. 2 line 11); communicating priority services capability information to the location register 16 or 26 (Fig. 1 and Col. 1 line 24-Col. 2 line 11), the priority services capability information (i.e. call forwarding, positioning, and multiparty calling, etc. Col. 2 lines 40-45) defining

Art Unit: 2618

priority services supported by a mobile switching center 10 and 14 (Fig. 1); and receiving priority services (i.e. call forwarding, positioning, and multiparty calling, etc. Col. 2 lines 40-45) subscription information from the location register (Col. 1 line 24-Col. 2 line 11).

Regarding claim 40, the combination including Hartsell et al. teaches wherein at least one of the priority services is a hybrid service (Section 0237).

3. Claims 23-24 and 36-37 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hartsell et al. (US Pat Appl# 2002/0065864) in view of Alpervich (US Pat# 6,175,741) and further in view of Haumont et al. (US Pat# 6,955,918).

Regarding claim 23, Hartsell in view of Alpervich teach the limitations in claim 21. Hartsell and Alpervich fail to teach an Update Location message.

Haumont teaches generating an Update Location message 207 (Fig. 2); and wherein communicating the priority services capability information (Col. 2 lines 35-53) to the location register HLR (Fig. 2) further comprises communicating the UL message 207 (Fig. 2).

Therefore, it would have been obvious at the time of the invention to one of ordinary skill in the art at the time the invention was made to incorporate an Update Location message as taught by Haumont into a location register and priority services supported by a mobile switching center as taught by Alperovich into Hartsell et al. method in order to simplify relocating a serving network entity (Col. 5 lines 28-42).

Regarding claim 24, Haumont further teaches wherein receiving priority services subscription information from the location register further comprises receiving an Insert Subscriber Data message 210 (Fig. 2).

Regarding claim 36, Haumont further teaches generating an Update Location message 207 (Fig. 2); and wherein communicating the priority services capability information (Col. 2 lines 35-53) to the location register HLR (Fig. 2) further comprises communicating the UL message 207 (Fig. 2).

Regarding claim 37, Haumont further teaches wherein receiving priority services subscription information from the location register further comprises receiving an Insert Subscriber Data message 210 (Fig. 2).

4. Claims 25 and 38 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hartsell et al. (US Pat Appl# 2002/0065864) in view of Alpervich (US Pat# 6,175,741) and further in view of Aschir (US Pat Appl# 2002/0071444).

Regarding claim 25, Hartsell et al. method for resource tracking in information management environments in view of Alperovich's method for enhancing business card services within a cellular network teaches the limitations in claim 1. Hartsell et al. and Alperovich fail to teach an enhanced Multi-Level Prededence and Pre-emption service service.

Aschir's method for setting up weighted communication links teaches wherein at least one of the priority services is an enhanced Multi-Level Prededence and Pre-emption service (Section 0002).

Therefore, it would have been obvious at the time of the invention to one of ordinary skill in the art at the time the invention was made to incorporate an enhanced Multi-Level Prededence and Pre-emption service as taught by Aschir into priority services supported by a mobile switching center as taught by Alperovich into Hartsell et al. method in order to improve setting up priority levels in communication links (Section 0003).

Regarding claim 38, Aschir further teaches Aschir's method for setting up weighted communication links teaches wherein at least one of the priority services is an enhanced Multi-Level Prededence and Pre-emption service (Section 0002).

5. Claims 26 and 39 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hartsell et al. (US Pat Appl# 2002/0065864) in view of Alperovich (US Pat# 6,175,741) and further in view of Hitzeman (US Pat Appl# 2003/0220115).

Regarding claim 26, Hartsell et al. method for resource tracking in information management environments in view of Alperovich's method for enhancing business card services within a cellular network teaches the limitations in claim 1. Hartsell et al. and Alperovich fail to teach a Wireless Priority Service.

Hitzeman's method for mitigating impact on non-privileged users of potential resource limitations in a communication system teaches wherein at least one of the priority services is a WIRELESS PRIORITY SERVICE (Section 0003).

Therefore, it would have been obvious at the time of the invention to one of ordinary skill in the art at the time the invention was made to incorporate a WIRELESS PRIORITY SERVICE as taught by Hitzeman into priority services supported by a mobile

Art Unit: 2618

switching center as taught by Alperovich into Hartsell et al. method in order to improve resource limitations on lower priority users (Sections 0004-0005).

Regarding claim 39, Hiteman further teaches wherein at least one of the priority services is a WIRELESS PRIORITY SERVICE (Section 0003).

6. Claims 28-29 and 32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hartsell et al. (US Pat Appl# 2002/0065864) in view of Haumont et al. (US Pat# 6,955,918) and further in view of Alperovich (US Pat# 6,175,741).

Regarding claim 28, Hartsell et al. method for resource tracking in information management environments teaches generating a message including a priority services (class of service and quality of service, i.e. bandwidth usage, speed, priority, etc) designation (Sections 0011, 0293, and 0295-0299), the priority services capability information defining priority services (The class of service or quality of service have different services i.e. bandwidth usage, speed, priority, etc. based on the customers profile that is sent from the device) supported by a mobile switching center; providing the identified priority services to the MS (Sections 0011, 0293, and 0295-0299). In Hartsell's method the protocol of exchanging messages is unknown. Hartsell fails to teach an INSERT SUBSCRIBER DATA, Insert Subscriber Data-acknowledgement, and Update Location-acknowledgement message procedure and priority services supported by a mobile switching center.

Haumont et al. serving network entity relocation teaches quality of service (Col. 2 lines 35-53) and a procedure of generating a UPDATE LOCATION message 207 (Fig. 2); communicating the UL message 207 (Fig. 2) to a location register HLR (Fig. 2);

receiving an INSERT SUBSCRIBER DATA message in response to generating the UPDATE LOCATION message 210 (Fig. 2), the ISD message comprising priority services subscription information operable for identifying priority services available to a mobile station (Col. 2 lines 35-53).

Therefore, it would have been obvious at the time of the invention to one of ordinary skill in the art at the time the invention was made to incorporate an INSERT SUBSCRIBER DATA, Insert Subscriber Data-acknowledgement, and Update Location-acknowledgement message procedure as taught by Haumont et al. into Hartsell et al. method in order to simplify relocating a serving network entity (Col. 5 lines 28-42).

Both Hartsell et al. and Haumont fail to teach priority services supported by a mobile switching center.

Alperovich's method for enhancing business card services within a cellular network teaches generating a message including a priority services designation (supplementary service, Col. 6 lines 37-47 or Col. 8 lines 16-21); the priority services designation (supplementary service) comprising priority services capability information (i.e. call forwarding, positioning, and multiparty calling, etc.; Col. 2 lines 40-45) defining priority services supported by a mobile switching center 10 and 14 (Fig. 1); providing the identified priority services to the MS.

Therefore, it would have been obvious at the time of the invention to one of ordinary skill in the art at the time the invention was made to incorporate priority services supported by a mobile switching center as taught by Alperovich into an INSERT SUBSCRIBER DATA, Insert Subscriber Data-acknowledgement, and Update

Location-acknowledgement message procedure as taught by Haumont into Hartsell et al. method in order to provide additional features to mobile subscribers (Col. 2 lines 46-48).

Regarding claim 29, Haumont further teaches generating an Insert Subscriber Data-acknowledgement message in response to receiving the INSERT SUBSCRIBER DATA message 211 (Fig. 2) and communicating the ISD-ack message 211 (Fig. 2) to the location register HLR (Fig. 2); and receiving a Update Location-acknowledgement message from the location register HLR (Fig. 2) in response to generating the Insert Subscriber Data-acknowledgement message 212 (Fig. 2).

Regarding claim 32, Hartsell et al. further teaches a message including hybrid service information (Section 0237).

7. Claims 30 and 33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hartsell et al. (US Pat Appl# 2002/0065864) in view of Haumont et al. (US Pat# 6,955,918) and further in view of Alpervich (US Pat# 6,175,741) as applied to claim 8 above, and further in view of Aschir (US Pat Appl# 2002/0071444).

Regarding claim 30, Hartsell et al. method for resource tracking in information management environments in view of Haumont et al. serving network entity relocation and further in view of Alperovich's method for enhancing business card services within a cellular network teaches the limitations in claim 8. Hartsell et al., Haumont et al., and Alperovich fail to teach an enhanced Multi-Level Prededence and Pre-emption service information message.

Aschir's method for setting up weighted communication links teaches a message including enhanced Multi-Level Prededence and Pre-emption service information (Section 0002).

Therefore, it would have been obvious at the time of the invention to one of ordinary skill in the art at the time the invention was made to incorporate an enhanced Multi-Level Prededence and Pre-emption service information message as taught by Aschir into priority services supported by a mobile switching center as taught by Alperovich into an INSERT SUBSCRIBER DATA, Insert Subscriber Data-acknowledgement, and Update Location-acknowledgement message procedure as taught by Hartsell et al. in view of Haumont et al. method in order to improve setting up priority levels in communication links (Section 0003).

Regarding claim 33, Aschir further teaches a message including enhanced Multi-Level Prededence and Pre-emption service information (Section 0002).

8. Claims 31 and 34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hartsell et al. (US Pat Appl# 2002/0065864) in view of Haumont et al. (US Pat# 6,955,918) and further in view of Alperovich (US Pat# 6,175,741) as applied to claim 8 above, and further in view of Hitzeman (US Pat Appl# 2003/0220115).

Regarding claim 31, Hartsell et al. method for resource tracking in information management environments in view of Haumont et al. serving network entity relocation and further in view of Alperovich's method for enhancing business card services within a cellular network teaches the limitations in claim 8. Hartsell et al., Alperovich, and Haumont et al. fail to teach a WIRELESS PRIORITY SERVICE information message.

Art Unit: 2618

Hitzeman's method for mitigating impact on non-privileged users of potential resource limitations in a communication system teaches the UPDATE LOCATION message including WIRELESS PRIORITY SERVICE information (Section 0003).

Therefore, it would have been obvious at the time of the invention to one of ordinary skill in the art at the time the invention was made to incorporate a WIRELESS PRIORITY SERVICE information message as taught by Hitzeman into priority services supported by a mobile switching center as taught by Alperovich into an INSERT SUBSCRIBER DATA, Insert Subscriber Data-acknowledgement, and Update Location-acknowledgement message procedure as taught by Hartsell et al. in view of Haumont et al. method in order to improve resource limitations on lower priority users (Sections 0004-0005).

Regarding claim 34, Hitzeman further teaches a message including WIRELESS PRIORITY SERVICE information (Section 0003).

Response to Arguments

Applicant's Remarks	Examiner's Response
"First, Hartsell fails to describe or relate to a mobile switching center or any methods of operating an MSC."	In response to applicant's arguments against the references individually; one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See <i>In re Keller</i> , 642 F.2d 413, 208 USPQ 871 (CCPA 1981); <i>In</i>

	<p><i>re Merck & Co.</i>, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986). Note, Alperovich was used to teach a mobile switching center.</p>
<p>"Second, Hartsell fails to describe or disclose wireless priority services within a wireless network and communicating both (1) mobile station identifying information and (2) priority services capability information, to a location register – with the priority services capability information defining the priority services supported by the MSC."</p>	<p>Hartsell teaches a wireless network (Section 0293; VLAN, 802.1P/Q, etc.) with mobile stations (Section 0271, phone communication) having priority services (The class of service or quality of service have different services i.e. bandwidth usage, speed, priority, etc. based on the customers profile that is sent from the device). Again, in response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See <i>In re Keller</i>, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); <i>In re Merck & Co.</i>, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986). Note, Alperovich was used to</p>

	teach a location register and mobile switching center.
"Third, Hartsell fails to describe or disclose receiving priority services subscription information from the location register – with the priority services subscription information identifying priority services available to the MS."	Again, in response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See <i>In re Keller</i> , 642 F.2d 413, 208 USPQ 871 (CCPA 1981); <i>In re Merck & Co.</i> , 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986). Again, Alperovich was used to teach a location register and mobile switching center.
"As noted above, Applicant respectfully submits that Hartsell is not within the same field of endeavor as the Applicant's claimed invention, and the rejections based on the main reference Hartsell are not well-taken."	Hartsell teaches in section 0271 that his invention can be used in phone systems and further states in wireless communication.
"Similarly, Alperovich's business card services application, though performed	Fig. 1 of Alperovich clearly shows the mobile switching center 12 (Fig. 1)

within a wireless network, is not directed to, depend upon, or discuss, identifying the priority service capabilities of a mobile switching center.”	encompassing where the priority service capabilities would be located (base station controller 23, VLR 16, and MSC 14). The priority services go through those components (base station controller 23, VLR 16, and MSC 14).
“The office action has failed to provide any articulated reasoning with some rational underpinning to support the combination of a computer system and wireless business card services application.”	As shown above, Hartsell’s invention can be used in a wireless phone system and Alperovich’s reference is in the same field of wireless phone service. Both Hartsell and Alperovich teach wireless communication systems and therefore the Examiner can reasonably combine Hartsell in view of Alperovich.

Conclusion

9. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any

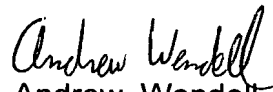
Art Unit: 2618

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Andrew Wendell whose telephone number is 571-272-0557. The examiner can normally be reached on 7:30-5 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nay Maung can be reached on 571-272-7882. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


Andrew Wendell
Examiner
Art Unit 2618

9/25/2007


NAY MAUNG
SUPERVISORY PATENT EXAMINER